

Exhibit 16 Supplement Murphy Deposition

Deposition of Tory Murphy

Pages: 21, 35, 36, 37, 38, 39, 42, 45, 46

Dated: March 25, 2021

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Charles Joseph Freitag, Jr., as
Administrator of the Estate of
Charles Joseph Freitag, Sr.,

Plaintiff,

V.

Bucks County; Primecare Medical,
Inc.; et al,

Defendants.

Thursday, March 25, 2021

VIDEOTAPED ZOOM DEPOSITION OF:

TORY MURPHY,

Called for oral examination by counsel for the
plaintiff, pursuant to notice, before Ramona L.
Devlin, of Kaplan, Leaman & Wolfe, a Notary
Public, in and for the Commonwealth of
Pennsylvania, beginning at 12:18 p.m., when were
present on behalf of the respective parties.

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1 probationary period.

2 Q Okay. So you were in that
3 probationary period at that point; is that right?

4 A Yes, sir.

5 Q What was your specific duty on August
6 25th? What would you call that if you -- strike
7 that.

8 I assume that if you broke other
9 officers, that meant that you spent your day
10 going around to different blocks; am I assuming
11 correctly?

12 A That is correct, sir.

13 Q All right. What is that
14 responsibility called?

15 A It's called a special assignment
16 officer. Usually, the officers will use the term
17 SA.

18 Q And you were an SA -- so you were
19 obviously an SA officer that day, August 25,
20 2018; is that correct?

21 A Correct, sir.

22 Q Were you typically assigned as an SA
23 officer at that time period?

24 A It varied from day to day, so
25 depending upon the need of the institution.

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1 A No problem, sir.

2 Q Do you see on the screen an image of
3 the B module?

4 A I do, sir.

5 Q This video, for counsel's benefit, is
6 Bates stamped 466, and I'm moving seven and a
7 half minutes in. It starts at 10:13, so we are
8 at 10:21 a.m.

9 And do you see on the right side of
10 the screen -- first of all, where my cursor is,
11 is that cell three?

12 A It does appear to be, yes, sir.

13 Q And we see a person in a correctional
14 officer uniform. Does that look like it's you,
15 sir?

16 A Yes, sir, I do believe it is.

17 Q Yeah. I realize it may be tough to
18 make it out, but we can watch from here and I
19 will play it on five times speed.

20 Would you agree that what we have
21 looked at there is you making your observation in
22 Mr. Freitag's cell as part of the level three
23 watch?

24 A I was observing all of the inmates as
25 well as Mr. Freitag.

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1 Q Got it. Okay. By the way, on that
2 8:55 now, we see what appears to be the same
3 person who was at cell three walking across the
4 housing module. With a closer look, can you
5 confirm that that is, in fact, you, sir?

6 A Yes, sir, that is myself.

7 Q All right. I'll stop the video
8 there. Now, you described what you did there in
9 a little bit of a different way from what I
10 described.

11 I asked the question as, you were
12 making your level three observation, and what you
13 said is that you were looking in every cell. Did
14 I hear you correctly?

15 A Yes, sir.

16 Q All right. Can you tell me then,
17 back on August 25, 2018, when you come onto the
18 block, what do you understand your
19 responsibilities to be with regard to a tour of
20 the housing area?

21 A Tour of the housing area would be
22 witnessing specifically, as per policy, living,
23 breathing flesh, so to go around to every cell
24 and ensure that each inmate is present, as well
25 as alive roughly 30 minutes or prior to at that

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1 time period.

2 Q All right. In other words, no more
3 than every 30 minutes; is that correct?

4 A Correct.

5 Q So if you conducted, just using an
6 estimate, this tour of the housing area at 10:21
7 a.m., and you would have been required to do
8 another -- if you stayed on the housing module,
9 you would have been required to do another tour
10 by 10:51 a.m.; is that correct?

11 A That is my understanding, yes, sir.

12 Q And I take it, based on your
13 description, that is something that you aimed to
14 do every time you were working on a housing area
15 at that time as a special assignment officer; is
16 that correct?

17 A That is correct, sir. However,
18 obviously, we don't do it at every 30-minute
19 interval as we don't want to be predictable.

20 Q The requirement is that you stagger
21 the --

22 A Correct.

23 Q So maybe you do one 25 minutes later
24 and then another at 28 or 29 minutes later; is
25 that right?

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1 A Correct.

2 Q All right. But regardless, never
3 more than 30 minutes later; is that correct?

4 A As per policy, that is correct.

5 Q Okay. Have you worked with Officer
6 Young and Officer Moody before?

7 MR. KOLANSKY: Before that date?
8 Before the date of his death?

9 MR. FEINBERG: Yeah, that is what I
10 intended.

11 BY MR. FEINBERG:

12 Q Before August 25th, had you worked
13 with Officer Young and Officer Moody?

14 A I knew who they were. I don't recall
15 if I had worked with them previously.

16 Q Okay. Had you ever heard any --
17 heard them discuss anything about the timing of
18 when tours were to be conducted?

19 A Never, sir.

20 Q All right. When you go onto a
21 housing area in this situation, as a special
22 assignment officer, what responsibilities, if
23 any, do you have to observe the inmate monitors?

24 A Generally, the inmate monitors would
25 be supervised via the downstairs officer, but

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1 also generally, the two officers assigned to that
2 block generally take precedent over the
3 supervision of the inmate monitors as I generally
4 don't know who those inmates are.

5 Q Got it. So when you come onto the
6 block or the module as a special assignment
7 officer, you are only there for a matter of
8 minutes; right?

9 A It could be anywhere -- it depends
10 upon the circumstance. We do receive breaks as
11 well as lunches, so it could be anywhere from ten
12 minutes to 30 minutes for one individual.

13 Q Do you remember how long you were on
14 the B module that day?

15 A I don't recall the time period, no,
16 sir.

17 Q And I'm going to try to establish
18 that by video, if you give me a minute? So we
19 know -- by the way, so we just looked at seven
20 minutes and 20 seconds in you -- I've scrolled
21 back now on that -- I don't have the video in
22 front of you. Bear with me. Do you have the
23 video in front of you now, sir?

24 A I do, sir.

25 Q All right. So at seven minutes and

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1 let them know of anything that happened on the
2 housing area while you were there?

3 A If there was anything noteworthy, we
4 would, yes.

5 Q Okay. If not, you might just be
6 having idle conversation; right?

7 A Most likely, yes, sir.

8 Q All right. Is there any obligation
9 for you to prepare a report or to note in any log
10 that you have made an observation or a tour of
11 the housing area?

12 A We do post in our electronic log
13 generally about the time that we do the tour, so
14 usually, the officer that would be at the podium
15 was likely putting in the log that the tour was
16 completed.

17 Q Okay. When you are the special
18 assignment officer, would that be -- that would
19 not be your responsibility, it sounds like you
20 are saying; is that correct?

21 A Not directly. Usually, whatever
22 officer would be logged into the computer is
23 performing that duty.

24 Q Okay. Let me pull up an exhibit that
25 I did not use with Officer Mitchell, but which I

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1 bathroom, wherever it be, someone needs to do it.

2 Q All right. Let's go back to the
3 video then. As -- I'll pull up the video again.
4 I'm back to the same video. This is 466 for
5 counsel's benefit. We are back at the 7:44 mark
6 where you are in front of Mr. Freitag's cell; is
7 that correct?

8 A That is correct.

9 Q And there appears to be a person at
10 the podium there. Do you see that?

11 A I do, sir.

12 Q The person -- and I know it is hard
13 to see, but based on Officer Young's testimony
14 that he was the person wearing a hat, would you
15 agree that that appears to be Officer Young there
16 at the podium?

17 A It does appear to be Officer Young.

18 Q All right. Now, based on your
19 understanding of typical housing module
20 procedures, if you were out in the module
21 conducting a tour, would you expect the entry to
22 be made around that time?

23 A Generally speaking, yes.

24 Q Okay. So under typical practice, if
25 you are doing the tour, Officer Young is sitting

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1 at the podium, he can obviously tell what you are
2 doing, typical practice would be he makes the
3 note in the log that we were just looking at,
4 inmates observed; is that correct?

5 A That is per policy, however, very
6 little is typical in corrections.

7 Q I understand. Every day is
8 different; is that correct?

9 A Correct.

10 Q All right. And sitting here today,
11 can you say one way or the other about why there
12 is no entry concerning your tour?

13 A I cannot.

14 Q Okay. Let's talk now about what
15 happened when you were called back to the housing
16 area. We established that you left around 10:40
17 a.m. give or take.

18 We know that Mr. Freitag was
19 discovered in his cell, bleeding profusely, at
20 10:55 or 10:56 a.m. Does that sound correct to
21 you, sir?

22 A That does sound correct.

23 Q And putting that in context, it is
24 about 15 minutes after you left. Tell us what
25 you remember seeing when you came back to the